

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

LAKE TEXOMA HIGHPORT, LLC

V.

CERTAIN UNDERWRITERS AT
LLOYD'S OF LONDON, et. al.

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CASE NO. 4:08-CV-285
Judge Schneider/Judge Mazzant

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636. On March 4, 2010, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Bowood Partners, Ltd.'s Motion to Dismiss Third Party Complaint be granted in part and denied in part.

The Court, having made a *de novo* review of the objections raised by Defendants Bowood Partners, Ltd. and Houstoun, Woodward, Eason, Gentle, Tomforde and Anderson, D/B/A Insurance Alliance, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections are without merit. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court.

It is, therefore, **ORDERED** that Bowood Partners, Ltd.'s Motion to Dismiss Third Party Complaint (Dkt. #109) is **GRANTED** in part and **DENIED** in part.

The following causes of action are dismissed: (1) Contribution; (2) Deceptive Trade Practices Act; (3) Insurance Code Section 541.060(a)(2)-(5); and (4) Third Party Beneficiary Breach of Contract.

IT IS SO ORDERED.

SIGNED this 5th day of April, 2010.

A handwritten signature in black ink, reading "Michael H. Schneider", written over a horizontal line.

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE